

REMARKS

Prior to this Reply, Claims 1-26 were pending. Through this Reply, Claims 1, 9, 11, 13 and 17-23 have been amended; Claims 10, 12, 15, 16 and 26 have been cancelled; and, Claims 27 and 28 have been added. Accordingly, Claims 1-9, 11, 13, 14, 17-25, 27 and 28 are now at issue in the present case.

I. Allowable Subject Matter

The Examiner objected to Claim 10 as being dependent upon a rejected base claim. However, the Examiner indicated that such claim would be allowable if rewritten in independent form to include all of the limitations of its base claim and any intervening claims.

In response, Applicants have amended Claim 1 to include the limitations of Claim 10. Accordingly, Applicants believe that Claim 1 is in condition for allowance. For at least the same reasons, Applicants submit that Claims 2-9, which depend directly or indirectly from Claim 1, are likewise in condition for allowance.

II. Rejections Under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 3-9, 11, 23 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,084,738 to Duffy (hereinafter “Duffy”). The Examiner also rejected Claims 2 and 12-22 under 35 U.S.C. § 103(a) as being unpatentable over Duffy in view of U.S. Patent No. 6,144,517 to Watanabe et al. (hereinafter “Watanabe”).

Applicants do not necessarily agree with the Examiner’s rejections. Applicants reserve the right to pursue claims of a scope similar to the original claims of the present application, or different claims, in a continuing patent application.

Nevertheless, Applicants have amended Claim 1 to include the limitations of original Claim 10, as described above. Accordingly, Applicants submit that the rejection of Claims 1 and 3-9 are now moot.

With respect to Claim 23, Applicants have amended such claim to include the limitations of original Claim 26, which are similar to the limitations of original Claim 10. For at least this reason, Applicants believe that Claim 23 is patentably distinguishable from Duffy. For at least the same reason, Applicants submit that Claims 24 and 25, which depend from Claim 23, are also patentably distinguishable from Duffy.

With respect to Claim 11, such claim has been amended to include the limitations of original Claims 12, 15 and 16. Claim 11 now requires the step of “generating a spiral profile based upon a predetermined interrupt rate, wherein the spiral profile includes a write portion, a post-write pad portion, a re-trace portion and a post-re-trace portion” (emphasis added).

Applicants believe that neither Duffy nor Watanabe disclose the above-underlined limitations. Accordingly, for at least this reason, Applicants believe that Claim 11 is patentably distinguishable from Duffy and Watanabe. For at least the same reason, Applicants believe that Claims 13, 14 and 17-22, which depend directly or indirectly from Claim 11, are likewise patentably distinguishable from Duffy and Watanabe.

III. New Claims

Applicants have added new Claims 27 and 28. Applicants believe that Claim 27 is patentably distinguishable from Duffy and Watanabe, at least, because neither Duffy nor Watanabe disclose the step of “writing the spiral patterns in a random manner about the disk

surface.” Applicants believe that Claim 28 is patentably distinguishable from Duffy and Watanabe, at least, because it includes limitations similar to original Claim 10.

IV. Amendments to Specification and Claims 9, 13 and 17-22

Certain paragraphs of the Specification have been amended to correct obvious errors. No new matter has been added.

Claims 9 has been amended to correct an obvious error. Claims 13 and 17-22 have been amended, so that such claims depend from Claim 11 and not from a cancelled claim.

V. Additional Claim Fees

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

Fee Calculation Table

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	23	Minus	26	= 0	x \$18 =	\$ 0.00
Independent (37 CFR 1.16(b))	5	Minus	3	= 2	x \$86 =	\$ 172.00

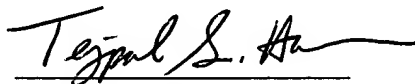
As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for twenty-six (26) total claims and for three (3) independent claims. Accordingly, Applicants believe additional claim fees in the amount of \$172.00 are due for the presentation of two (2) independent claims in excess of three (3). The Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for the additional claim fees, along with any fee deficiencies associated with filing this paper.

VI. Conclusion

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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